

1 State of New Hampshire Banking Department

2 In re the Matter of: )Case No.: 11-027  
 )  
 3 State of New Hampshire Banking )  
 )  
 4 Department, )  
 )  
 5 Petitioner, )Consent Order  
 )  
 6 and )  
 )  
 7 Flash Loans d/b/a Flashloans.com, )  
 )  
 8 Respondent )  
 )

9 CONSENT ORDER

10 The State of New Hampshire Banking Department (the "Department") finds and  
11 Orders as follows:

12 Respondent

- 13 1. Flash Loans d/b/a Flashloans.com ("Flashloans") is a company  
 14 principally located in Belize City, Belize. Flashloans is not  
 15 registered with the State of Georgia (where an office was once  
 16 located) or with the New Hampshire Secretary of State.
- 17 2. In New Hampshire, Flashloans is not licensed as a Payday or Small Loan  
 18 Lender by the Department. Flashloans does not plan on filing an  
 19 application with the Department but has ceased and desisted from  
 20 conducting payday loan or small loan lender activity in the State of  
 21 New Hampshire without a Payday or Small Loan Lender license.

22 Jurisdiction

- 23 3. The Department is authorized to regulate payday lenders pursuant to  
 24 RSA Chapter 399-A. RSA 399-A:2, I.
- 25 4. The Commissioner has jurisdiction to issue orders to cease and desist

1 from violations under RSA Chapter 399-A and to assess penalties  
2 pursuant to RSA Chapter 399-A. *RSA 399-A:7,I and II, RSA 399-A:8,I and*  
3 *RSA 399-A:18,V and VI.*

4 **Facts**

5 5. Since April 24, 2007, Flashloans has conducted unlicensed payday loan  
6 or small loan lender activity for New Hampshire consumers without a  
7 valid Payday or Small Loan Lender license issued by the Department.

8 6. From April 24, 2007, Flashloans made unlicensed payday or small loans  
9 for 74 New Hampshire consumers. Flashloans has provided evidence it  
10 fully refunded 17 of the New Hampshire consumers through ACH transfer.  
11 Flashloans has provided evidence that 20 of the New Hampshire  
12 consumers are not entitled to refunds. Fees charged (and not  
13 reimbursed to date) for the remaining 37 New Hampshire consumers total  
14 \$33,493.50 as follows (listed by specific consumer number):

15 Consumer 1:\$240.00	Consumer 26:\$120.00	Consumer 58:\$60.00
16 Consumer 4:\$960.00	Consumer 27:\$90.00	Consumer 59:\$440.00
17 Consumer 5:\$1,280.00	Consumer 31:\$90.00	Consumer 63:\$330.00
18 Consumer 7:\$3,960.00	Consumer 32:\$600.00	Consumer 65:\$445.00
19 Consumer 8:\$150.00	Consumer 43:\$1,500.00	Consumer 69:\$330.00
20 Consumer 9:\$3,840.00	Consumer 44:\$120.00	Consumer 70:\$80.00
21 Consumer 10:\$1,480.00	Consumer 47:\$170.00	Consumer 71:\$270.00
22 Consumer 12:\$16.00	Consumer 49:\$180.00	Consumer 73:\$90.00
23 Consumer 16:\$3,620.00	Consumer 51:\$850.00	Consumer 74:\$2,260.00
24 Consumer 18:\$90.00	Consumer 52:\$2,130.00	Consumer 76:\$1,242.50
25		

Consumer 22:\$2,940.00	Consumer 53:\$1,820.00	Consumer 77:\$125.00
Consumer 23:\$335.00	Consumer 54:\$60.00	
Consumer 24:\$1,000.00	Consumer 56:\$180.00	

7. Flashloans has cooperated and provided information as requested to the Department.

**Violation(s) of Law and Penalties**

8. Flashloans is a "Person" as defined by RSA 399-A:1,XII.

9. A Person may be assessed an administrative fine not to exceed \$2,500.00 for each violation of RSA Chapter 399-A. RSA 399-A:18,V and VI.

**Respondent's Consent**

10. Flashloans hereby acknowledges that were an administrative hearing to be held in this matter, the Department contends it would introduce evidence relating to Flashloans' conduct of unlicensed payday loan or small loan lender activity in violation of New Hampshire law.

11. Flashloans has voluntarily entered into this Consent Order as settlement of the issues contained in this Consent Order, without reliance upon any discussions between the Department and Flashloans, without promise of a benefit of any kind (other than concessions contained in this Consent Order), and without threats, force, intimidation, or coercion of any kind. Flashloans further acknowledges its understanding of the nature of the allegations set forth in this action, including the potential penalties provided by law.

12. Flashloans hereby acknowledges, understands, and agrees that there is

1 the right to notice, hearing, and/or a civil action and hereby waives  
2 said rights.

3 **Order**

4 13. **Whereas pursuant to RSA 399-A:16,VI,** finding this Consent Order  
5 necessary, appropriate and in the public interest and consistent with  
6 the intent and purposes of New Hampshire banking laws, the Department  
7 Orders as follows:

8 a. Flashloans shall reimburse the 37 remaining New Hampshire  
9 consumers the fees charged as described in Paragraph 6 above,  
10 payable contemporaneously with the effective date of this  
11 Consent Order, which is upon the Commissioner's signature. These  
12 consumer checks shall be bank check or guaranteed funds and made  
13 payable to each individual consumer and submitted directly to  
14 each consumer by Flashloans' counsel;

15 b. Flashloans shall pay to the Department \$25,000.00 in  
16 administrative penalties, payable contemporaneously with  
17 Flashloans' signing of this Consent Order. The checks shall be  
18 bank check or guaranteed funds and made payable to "State of New  
19 Hampshire;" and

20 c. Flashloans agrees to and shall hereby Cease and Desist from  
21 conducting payday loan and small loan activity in the State of  
22 New Hampshire prior to obtaining a Small Loan Lender license by  
23 the Department.

24 14. This Consent Order may be revoked and the Department may pursue any  
25 and all remedies available under law, if the Department later finds

1 that Flashloans knowingly or willfully withheld information used and  
2 relied upon in this Consent Order.

3 15. This Consent Order is binding on all heirs, assigns, and/or successors  
4 in interest.

5 16. This Consent Order shall become effective upon the date the  
6 Commissioner signs this Consent Order, providing the Department has  
7 confirmed the receipt of payments referenced in Paragraphs 13.a. and  
8 13.b. herein.

9 17. Once this Consent Order is effective, the Department agrees not to  
10 seek further reimbursement, refunds, penalties, fines, costs, or fees  
11 regarding the facts, allegations, or findings of violations contained  
12 herein.

13 18. For any person or entity not a party to this Consent Order, this  
14 Consent Order does not create any private rights or remedies against  
15 Flashloans, create any liability of Flashloans, or limit defenses of  
16 Flashloans to any claims.

17 **WHEREFORE**, based on the foregoing, we have set our hands to this Consent  
18 Order, upon its execution by Ronald A. Wilbur, Bank Commissioner.

19  
20 Recommended this 17th day of May, 2012 by

21 \_\_\_\_\_  
22 /s/  
Maryam Torben Desfosses, Hearings Examiner, Banking Department

23 Executed this 22nd day of May, 2012 by

24 \_\_\_\_\_  
25 /s/  
Cheryl Kochensparger, on behalf of Flash Loans d/b/a Flashloans.com

1 SO ORDERED.

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/s/

Dated: 05/23/12

3 \_\_\_\_\_  
4 Ronald A. Wilbur,  
5 Bank Commissioner

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